

From: [Espinosa, Sharon \(DEQ\)](#)
To: [Nightingale, Elizabeth](#); [Selden, Barry \(DEQ\)](#)
Subject: Copy of Violation Notice for Reid Group, LLC
Date: Thursday, August 14, 2014 3:01:21 PM
Attachments: [Reid Group's Second Violation Notice.pdf](#)

Dear Sir/Madam:

We would like to forward you a copy of the attached notice. For questions, please call Mr. Jerrod Sanders at 269-567-3579. Thank you.

Sharon Mae Espinosa
Secretary
Department of Environmental Quality
Kalamazoo District Office
Water Resources Division/ Water Resource Side
Tel# 269-567-3560 Fax# 269-567-3555



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



DAN WYANT
DIRECTOR

August 14, 2014

CERTIFIED MAIL

Mr. Dorie Reid, President
Reid Group, LLC
P.O. Box 8711
Grand Rapids, Michigan 49518

SVN No. SVN-000484

Dear Mr. Reid:

SUBJECT: Second Violation Notice

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), issued a Violation Notice, VN-005793 on April 7, 2014, in response to violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* and the Administrative Rules promulgated there under being 2006 AACR 323.2101 *et seq.*, as amended.

Reid Group, LLC's response to the Violation Notice was inadequate, since no documentation was provided to demonstrate that tarps or other impermeable covers had been ordered. Documentation was provided for the purchase of two catch basin inserts, but at least four additional inserts (possibly more) are needed to protect all catch basins in the area at high risk for impact. DEQ requested a detailed plan for removing ash and other significant materials from the site, but Reid Group failed to provide details for how and when the site remediation will be conducted. In addition, to the knowledge of this office, commitments made by Reid Group in the response letter of April 17, 2014, have been largely unimplemented, as evidenced by DEQ's follow-up inspection on June 4, 2014.

On April 17, 2014, Reid Group, LLC responded to the Violation Notice and provided a plan to install tarps and impermeable covers over all exposed ash piles by April 30, 2014. In addition, Reid Group stated that catch basin inserts were being placed in and on basins to prevent ash from reaching waters of the state. According to the letter, custom made inserts were expected to be completed by approximately May 9, 2014. Reid Group indicated that they would "need a period of time through September 30, 2014, to remove and remediate the total amount of ash, bag house waste and significant materials from the site." The conditions at the site as of June 4, 2014, were not acceptable to allow for any further length of delay in site cleanup. If the noted measures were installed in the interim, please respond with photographic evidence immediately.

The violation(s) identified in the Violation Notice VN-005793 are continuing. At the time of the DEQ's follow-up inspection, only one catch basin was fitted with a catch basin insert. Two other basins had ash that had migrated to the basin. Additional basins were in areas

where impact is highly likely to occur in the future. No tarps had been placed over the ash piles. Due to wind and rain, the ash piles had migrated throughout the paved area. On site catch basins contained significant amounts of ash. Since these catch basins appear to be connected to the wetlands adjacent to the Paw Paw River, deposition of ash into waters of the state is an imminent threat. In addition, it appeared that Reid Group has not been actively removing ash from the site. The Paw Paw River and adjacent wetlands are at immediate risk of ongoing ash discharge and deposition as are neighboring properties.

The likely ongoing discharge of ash material into the Paw Paw River and adjacent wetlands would constitute a violation of the terms of Part 31 of the NREPA, Section 324.3109(1), which states in part: *"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:*

- (a) *To the public health, safety, or welfare.*
- (b) *To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.*
- (c) *To the value or utility of riparian lands.*
- (d) *To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.*
- (e) *To the value of fish and game."*

The violations identified in the Violation Notice and the Second Violation Notice are violations of Part 31 of the NREPA. A copy of Violation Notice, VN-005793 is enclosed for your convenience.

Ace Companies, LLC shall take immediate action to stop the migration of ash into waters of the state and maintain compliance with the terms and conditions of Part 31.

Please submit a response to this office **by August 31, 2014**. At a minimum, the response shall include:

1. Photo documentation of all implemented Best Management Practices installed at the site, including catch basin inserts in all areas where ash may enter the storm system and tarps covering all exposed ash piles.
2. A complete Storm Water Pollution Prevention Plan (SWPPP), including a site map showing flows of all storm water on the site. Please use arrows to indicate flow direction on all paved surfaces, and show the ultimate surface water discharge points of catch basin inlets. The DEQ Industrial Storm Water Program's SWPPP template shall be utilized. The template can be located at http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3716-24018--,00.html.

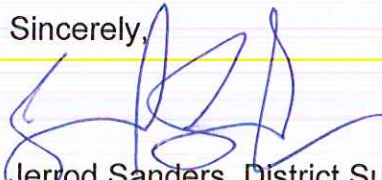
If you have any factual information you would like to share with us regarding the violations identified in this Notice, please provide them with your written response.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

Due to the severity of the noncompliance, the matter is being evaluated for escalated enforcement.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact me or Ms. Janelle Hohm, WRD, Kalamazoo District Office, at 269-567-3581; hohmj@michigan.gov; or DEQ, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025.

Sincerely,



Jerrod Sanders, District Supervisor
Kalamazoo District Office
Water Resources Division

JS:JH:dmm

Enclosure:

cc: Ms. Betsy Nightingale, Environmental Protection Agency
Mr. Barry Selden, Enforcement Unit, DEQ



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



DAN WYANT
DIRECTOR

April 7, 2014

CERTIFIED MAIL

Mr. Dorie Reid, President
Reid Group, LLC
P.O. Box 8711
Grand Rapids, Michigan 49518

VN No. VN-005793

Dear Mr. Reid :

SUBJECT: Violation Notice

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) and Remediation and Redevelopment Division (RRD) staff inspected Ace Co LLC, located at 900 Alreco Road, Benton Harbor, Berrien County, on April 1, 2014, to determine compliance with Part 31, Water Resources Protection (Part 31), and Part 115, Solid Waste (Part 115), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the Administrative Rules promulgated there under, as amended.

During the site inspection on April 1, 2014, WRD and RRD staff observed the unlawful exposure of industrial materials to storm water with a surface water discharge without required permit coverage. Ace Companies, LLC was previously covered by Industrial Storm Water Certificate of Coverage No. MIS310576, under General Permit No. MIS310000, which expired on April 1, 2013. The facility did not submit a Notice of Intent to renew permit coverage, and is currently lacking the required storm water permit coverage.

The exposure reportedly occurred after the collapse of a roof due to snow load during the winter of 2013/2014. Ash contained in the building had been removed and placed outdoors in large concrete bins. At the time of the DEQ's inspection, the ash was uncovered, and was exposed to storm water and wind. A pallet containing calcium chloride was also stored outside. The bags were torn, allowing the calcium chloride to be released to the pavement. In addition, several significant materials were found stored indoors in an unsecured building. DEQ staff observed several drums of oil and hydraulic fluid, and approximately 40 bags of baghouse dust. Due to the unsecured nature of the site, all significant materials should be removed immediately.

Catch basins on the site appear to flow to the wetlands adjacent to the Paw Paw River. No site map was available, and the property owner was not familiar with the ultimate discharge point of the catch basins. The catch basins had outflow pipes, indicating a discharge to surface water. The outfall could not be located, but is likely covered by tall cattails. Due to the exposure to ash, all catch basins located in the area near the ash

piles need to be protected with catch basin inserts designed to collect sediment. Completely sealing certain catch basins may be the preferred option due to close proximity to the ash piles.

In addition, the site inspection of April 1, 2014, indicated that ash, dust, grit, construction debris and metal scrap were disposed of at the facility. Disposal of solid waste is regulated by Part 115, of the NREPA. Dumping of solid waste at this location represents establishment of a disposal area without a license (MCL 324.11509), and failure to dispose of solid waste at a licensed facility (MCL 324.11512), both are violations of Part 115. Enforcement actions taken pursuant to violations of Part 115 may subject you to criminal and civil fines of up to \$10,000 per violation (MCL 324.11546 & MCL 324.11549).

The violation(s) identified in this Violation Notice are continuing.

The violations identified in the Violation Notice are violations of Part 31 of the NREPA and Part 115.

Reid Group, LLC should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31 by obtaining a certified industrial storm water operator, developing a Storm Water Pollution Prevention Plan (SWPPP), implementing all nonstructural and structural controls contained in the SWPPP, and submitting the Notice of Intent for industrial storm water permit coverage.

In addition, Reid Group, LLC should take immediate action to achieve and maintain compliance with the terms and conditions of Part 115. Ash, dust and grit generated from furnaces associated with historic smelting operations at the facility are considered solid waste that must be disposed of at a licensed solid waste disposal facility or be properly recycled.

Please submit a plan with timeframe to this office by April 16, 2014. At a minimum, the response shall include:

1. Documentation (invoices, purchases orders, etc.) demonstrating that the following items have been purchased and/or ordered:
 - a. Tarps (or other impermeable covers) as necessary to cover all exposed ash piles, and
 - b. Catch basin inserts or cover plates for all catch basins to prevent ash from reaching waters of the state.
2. A detailed containment and removal plan (including specific dates) for the installation of the tarps and catch basin protection noted above, and the removal of all ash, drums, baghouse waste, calcium chloride, and any other significant materials from the site. The dates for plan implementation shall reflect the serious

Mr. Dorie Reid, President
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risk the on-site materials represent to the environment, and therefore, represent the earliest date that your resources will allow completion of the work.

3. The date and location of the industrial storm water certified operator training that you have signed up to attend. Alternatively, you may hire a certified operator, and list his or her name and certification number.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact either of us at Department of Environmental Quality, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025 or by using the information below.

Sincerely,



Janelle Hohm
Kalamazoo District Office
Water Resources Division
269-567-3581
hohmj@michigan.gov



Mike Baranoski
Kalamazoo District Office
Remediation and Redevelopment Division
269-567-3524
baranoskim@michigan.gov

JH:MB:dmm

cc: Mr. Frank Ballo, Kalamazoo District Supervisor, RRD
Ms. Bree Bennett, Kalamazoo District Office Enforcement Coordinator, RRD
Mr. Barry Selden, Enforcement Unit, WRD